

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6969

BILL NUMBER: HB 1386

NOTE PREPARED: Jan 5, 2008

BILL AMENDED:

SUBJECT: Validating Certain Law Enforcement Actions.

FIRST AUTHOR: Rep. Borders

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: The bill provides that an ordinance or resolution that relates to police reserve officers, auxiliary police officers, or commissioners is not invalid because the ordinance or resolution did not comply with the statute governing police reserve officers.

It also provides that an official action taken by police reserve officers, auxiliary police officers, or commissioners serving pursuant to an ordinance or resolution is not invalid because the ordinance or resolution did not comply with the statute governing police reserve officers.

Effective Date: January 1, 2006 (retroactive).

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: If an action of a police reserve officer, an auxiliary police officer, or a commissioner is questioned because the resolution appointing the officer or commissioner does not correspond to state statute, a local unit could incur expense in defending the ordinance, resolution, or the action. Under the bill, an action by the officer or commissioner appointed by a noncomplying ordinance or resolution would be valid and no expense would be incurred .

Background: IC 36-8-3-20 requires that police reserve officers be appointed by the same authority that appoints regular members of the police department and that police reserve officers may not be members of

the regular police department. Police reserve officers may not be appointed until they have completed the training and probationary period required by the department, and they may not make an arrest, conduct a search or seizure of personal property, or carry a firearm until they have successfully completed pre-basic training program.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Counties, cities, and towns.

Information Sources:

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